

United States Court of Appeals For the First Circuit

Nos. 25-1698
25-1755

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.; PLANNED PARENTHOOD LEAGUE OF MASSACHUSETTS; and PLANNED PARENTHOOD ASSOCIATION OF UTAH;

Plaintiffs, Appellees,

v.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of the U.S. Department of Health and Human Services; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; MEHMET OZ, in his official capacity as Administrator of the Centers for Medicare and Medicaid Services; and CENTERS FOR MEDICARE AND MEDICAID SERVICES;

Defendants, Appellants.

Before

Gelpí, Montecalvo, and Aframe,
Circuit Judges.

ORDER OF COURT

Entered: September 11, 2025

On July 21, 2025, the district court preliminarily enjoined the defendants in this action -- the Department of Health and Human Services and its Secretary, along with the Centers for Medicare and Medicaid Services and the Administrator -- from "enforcing, retroactively enforcing, or otherwise applying" section 71113 of the Act of July 4, 2025, Pub. L. No. 119-21, § 71113, 139 Stat. 72, 300-01 (2025), against plaintiff Planned Parenthood Association of Utah and other members of plaintiff Planned Parenthood Federation of America, Inc., who met certain conditions specified in the court's order. See Mem. & Order, Planned Parenthood Fed'n of Am., Inc. v. Kennedy, No. 1:25-CV-11913-IT, 2025 WL 2040123 (D. Mass. July 21, 2025), ECF No. 62 at 35. The preliminary injunction also ordered the defendants to "take all steps necessary to ensure that Medicaid funding continues to be disbursed in the customary manner and timeframes to Planned Parenthood Association of Utah and other Planned Parenthood Federation of America [m]embers" who satisfied the specified conditions. Id.

Thereafter, on July 28, 2025, the district court entered a second preliminary injunction, which, in relevant part, (1) enjoined the same defendants from "enforcing, retroactively enforcing, or otherwise applying" section 71113 against Planned Parenthood Association of Utah, plaintiff Planned Parenthood League of Massachusetts, and "all other members" of Planned Parenthood Federation of America, Inc., and (2) ordered the defendants to "take all steps necessary to ensure that Medicaid funding continue[d] to be disbursed" to those entities "in the customary manner and timeframes." Mem. & Order, Planned Parenthood Fed'n of Am., Inc. v. Kennedy, No. 1:25-CV-11913-IT, 2025 WL 2101940 (D. Mass. July 28, 2025), ECF No. 69 at 57-58.

The defendants have appealed both injunctions. We denied without prejudice as premature the defendants' motion to stay the injunctions pending the disposition of those appeals, while a motion for similar relief was pending in the district court. See Order of Court, Planned Parenthood Fed'n of Am., Inc. v. Kennedy, Nos. 25-1698, 25-1755 (1st Cir. Aug. 19, 2025). The district court has since denied the defendants' motion, see Mem. & Order, Planned Parenthood Fed'n of Am., Inc. v. Kennedy, No. 1:25-CV-11913-IT, 2025 WL 2495955 (D. Mass. Aug. 29, 2025), ECF No. 93, and the defendants have again sought interim relief from this Court, see Mot. for Stay Pending Appeal, Planned Parenthood Fed'n of Am., Inc. v. Kennedy, Nos. 25-1698, 25-1755 (1st Cir. Aug. 28, 2025). Notwithstanding the contrary conclusion reached by the district court after its careful consideration of the matter, we conclude that defendants have met their burden to show their entitlement to a stay of the preliminary injunctions pending the disposition of their appeals of the same. See Nken v. Holder, 556 U.S. 418, 434 (2009).

The motion is **GRANTED**. The July 21, 2025 preliminary injunction and the July 28, 2025 preliminary injunction are hereby stayed pending disposition of the respective appeals. The separate motions by the State of Louisiana and the American Center for Law & Justice for leave to file an amicus brief also are **GRANTED** and the briefs are accepted for filing as of this date.

So ordered.

By the Court:

Anastasia Dubrovsky, Clerk

cc: Hon. Indira Talwani, Robert Farrell, Clerk, United States District Court for the District of Massachusetts, Donald Campbell Lockhart, Daniel Tenny, Abraham R. George, Steven H. Hazel, Emily Hall, Elisabeth Neylan, Elizabeth Themins Hedges, Bradley Humphreys, Jacob Siler, Alan Evan Schoenfeld, Emily B. Nestler, Sharon Hogue, Albinas Prizgintas, Alexander Miller, Catherine Peyton Humphreville, Cassandra Mitchell, Jennifer Sandman, Kyla Eastling, Thomas Michael Harvey, Nathan Jeremiah Moelker, Olivia F. Summers, Jordan A. Sekulow, John J. Bursch, James A. Campbell, Lincoln D. Wilson, Erin Morrow Hawley, Kelsey L. Smith